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9 WERNER ENTERPRISES, INC. and
10 JONATHAN JOHNSTON

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COUNSEL/PARTIES OF RECORD	
NOV 25 2019	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

10 DESHANNA GRAHAM, individually and as
11 Guardian Ad Litem of minor C.M. and as
12 Plaintiffs,
13 vs.
14 WERNER ENTERPRISES, INC.;
15 JONATHAN JOHNSTON; JOHN DOES I-
16 XX, inclusive; ABC CORPORATIONS I-X,
17 inclusive; and BLACK AND WHITE
18 COMPANIES, I-X, inclusive,

Case No. 3:19-cv-00171-HDM-CBC

**STIPULATION AND ORDER TO
MODIFY STIPULATED DISCOVERY
PLAN TO EXTEND DEADLINES FOR
EXPERT WITNESS DISCLOSURES
(FIRST REQUEST)**

**[SUBMITTED IN COMPLIANCE WITH
LR II 26-4]**

19 COME NOW Defendants WERNER ENTERPRISES, INC., and JONATHAN
20 JOHNSTON, by and through their attorneys, Thorndal Armstrong Delk Balkenbush & Eisinger,
21 and, Plaintiff DESHANNA GRAHAM, through her attorneys Law Office of Terry Friedman and
22 Julie Throop, PLLC, and hereby stipulate that the following deadlines in the 5/13/19 Stipulated
23 Discovery Plan and Order should be amended as follows: (1) that the initial expert witness
24 disclosure deadline of 9/20/19 be extended to 10/10/19; and (2) that the rebuttal expert witness
25 disclosure deadline of 10/21/19 be extended to 11/8/19. This extension will not affect the current
26 close of discovery deadline of 11/21/19. No prior extensions have been sought or granted.

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1 The following good cause supports the request for an extension. The extension is
2 required so that Defendants can obtain a FRCP 35 examination of the plaintiff and provide the
3 required written report prior to the date of the expert witness disclosure deadline. There have
4 been difficulties experienced in getting the examination scheduled prior to the current expert
5 witness disclosure deadline due to the examiner's (Phelps Kip, M.D.) busy schedule. Also,
6 Defendants still have not yet been able to obtain complete copies of plaintiff's pre-accident
7 medical records that are necessary to be reviewed by the examiner as part of the examination. A
8 short amount of additional time is necessary to get the physical examination conducted and the
9 IME report prepared and disclosed.

10 The following discovery has been completed: the parties have propounded
11 interrogatories, requests for production and requests for admissions; and Defendants have made a
12 request to Plaintiff for the FRCP 35 examination that will hopefully be conducted on 9/30/19.

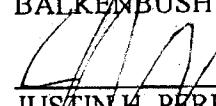
13 It is anticipated that the deposition of the Plaintiff, as well as Defendant Jonathan
14 Johnston and a PMK from Werner, will be conducted within the next 30-60 days.

15 SUBMITTED BY THE FOLLOWING COUSEL OF RECORD:

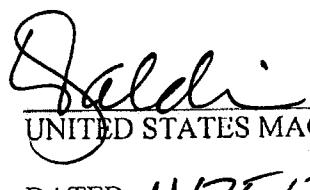
16 Dated this 19th day of August, 2019.
17 TERRY FRIEDMAN AND JULIE
JULIE THROOP, PLLC

18 
19 JULIE McGRATH THROOP, ESQ.
20 TERRY FRIEDMAN, ESQ.
21 300 South Arlington Avenue
(775)322-6500 T
22 Attorneys for Plaintiff

Dated this 23rd day of August, 2019.
THORNDAL, ARMSTRONG, DELK
BALKENBUSH & EISINGER


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23 Attorneys for Defendants

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 11/25/2019